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OFFICE OF PETITIONS

In re Application of
Timothy M. Crowder et al
Application No. 10/606,676
Filed: June 26, 2003
Attorney Docket No. 9336-9

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: DECISION GRANTING
: PETITION
:
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This is a decision on the petition, filed March 28, 2005, which is being treated under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of June 26, 2003, rather than the presently accorded filing date of June 27, 2003.

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 26, 2003, pursuant to the requirements of 37 CFR 1.10. In support, applicants provided, inter alia, a copy of the Express Mail label, receipt no. EV353611696US. However, while the "date-in" on the copy of the Express Mail receipt was left blank, it includes a postal receipt stamp dated "June 26, 2003," although the City and the State where the package was accepted are not legible. In further support, the petition is accompanied by a copy of the USPS Track/Confirm system information showing that the package in question bearing the same Express Mail number found on the utility patent application transmittal accompanying the original application papers located in the official file, was accepted on June 26, 2003.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on June 26, 2003. Accordingly, the instant application is entitled to a filing date of June 26, 2003 and has been so accorded.

The petition is granted. No petition fee is required and none has been charged.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

This matter is being referred to Technology Center AU 3743 for examination in due course.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy